

1
2 BILL NO. Z-95- 05-04

3 ZONING MAP ORDINANCE NO. Z- 02-95.

4 AN ORDINANCE amending the City of
5 Fort Wayne Zoning Map No. P-27.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
7 WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is hereby designated an B-3-B
9 (General Business) District under the terms of Chapter 157 Title XV of the Code of the
10 City of Fort Wayne, Indiana of 1974:

11 A parcel of land located in Curdes South Acres Addition, being the East sixty feet
12 (60') of Lot 2 and the West forty-five feet (45') of Lot 3 except twenty feet (20') to
13 the City of Fort Wayne, and Lot 2 except the East sixty feet (60') and except the
14 South twenty feet (20') to the City of Fort Wayne and the East forty feet (40') of
15 Lot 1 except the South twenty feet (20') to the City of Fort Wayne.

16 and the symbols of the City of Fort Wayne Zoning Map No. P-27, as established by
17 Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby
18 changed accordingly.

19 SECTION 2. That this Ordinance shall be in full force and effect from and after
20 its passage and approval by the Mayor.

21 Cl. R. Edmonds
22 Councilmember

23 APPROVED AS TO FORM AND LEGALITY:

24 J. Timothy McCauley
25 J. TIMOTHY MCCAULAY, CITY ATTORNEY
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Read the first time in full and on motion by Edmonds,
and duly adopted, read the second time by title and referred to the
Committee on Annexation (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on 5-9-95, the 5-9-95 day of May at 5-9-95 o'clock
M., E.S.T.

DATED: 5-9-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Wendy E. Galt
Edmonds

Read the third time in full and on motion by Edmonds,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY				<u>1</u>
EDMONDS	<u>1</u>			
GIAQUINTA				<u>1</u>
HENRY	<u>1</u>			
LONG	<u>1</u>			
LUNSEY	<u>1</u>			
RAVINE	<u>1</u>			
SCHMIDT	<u>1</u>			
TALARICO	<u>1</u>			

DATED: 6-13-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-02-95
on the 13th day of June, 19 95

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Don J. Schmider
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 14th day of June, 19 95,
at the hour of 11:30 o'clock A, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of June,
19 95, at the hour of 1:00 o'clock P, M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

BILL NO. Z-95-05-04

REPORT OF THE COMMITTEE ON
REGULATIONS
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne
Zoning Map No. P-27

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
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Sandra E. Kennedy
Rebecca J. Ravine
Cletus R. Edmonds
William J. Jones
Thomas J. Jones

Cletus R. Edmonds

DATED:

6-13-95

Sandra E. Kennedy
City Clerk

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

4-13

RECEIVED FROM

Rec'd
M. J. M.

THE SUM OF

three hundred

ON ACCOUNT OF

9651
5108

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AREA MAP

[illegible]

Map No. P - 27
LW 4-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 830 / Fort Wayne, IN 46802 / (219) 427-1140

1/We J. MAXINE MELCHING AND FREDRICK W. JOHNSTON do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from a/an B1 designation to a/an B3B designation, the property located at the common street address of: 1919 TILLMAN ROAD ADAMS TWP. Ft. WAYNE, IN. and further described as follows:

A PARCELS OF LAND LOCATED IN THE CURDES SOUTH ACRES, BEING THE EAST SIXTY FEET (60') OF LOT 2 AND THE WEST FORTY FIVE FEET (45') OF LOT 3 EXCEPT TWENTY FEET (20') TO THE CITY OF FORT WAYNE, AND LOT 2 EXCEPT E. 60' AND EXCEPT SOUTH (20') TO THE CITY, AND THE E 40' OF LOT 1 EXCEPT SOUTH (20') TO THE CITY.
(Please attach a legal description if more space is needed.)
The purpose of this proposed rezoning is to permit the use of the property for the following:

FOR CONSTRUCTION OF A COMMERCIAL BUILDING TO PERMIT REPAIR OF AUTOMOBILES WITH APPROPRIATE ADHERENCE TO ALL BUILDING CODES BOTH CITY, COUNTY AND STATE, INCLUDING A FENCE ENCLOSURE.

Property owners Name(s): J. MAXINE MELCHING

Street Address: 7130 PALLADIO SQUARE

City: FORT WAYNE State: IN. Zip: 46804 Phone: (219) 432-1528

Applicants Name (if different from above): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/we agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

J. Maxine Melching J. MAXINE MELCHING 4/11/95
Signature Printed Name Date

Fredrick W. Johnston FREDRICK W. JOHNSTON 4/11/95
Signature Printed Name Date

Virginia H. Johnston VIRGINIA H. JOHNSTON 4/11/95
Signature Printed Name Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: City of Fort Wayne.

Name and address of preparer, attorney or agent:

JOHN F. OTTO JR., BROKER
D/B/A 3 RIVERS REALTY
2816 E. STATE ST.

(219) 426-1175
Telephone Number

FT. WAYNE, IN 46805

Form Rez494

Receipt #:

Date Filed:

Map #:

Reference #:

WM. C. BAER

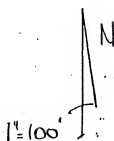
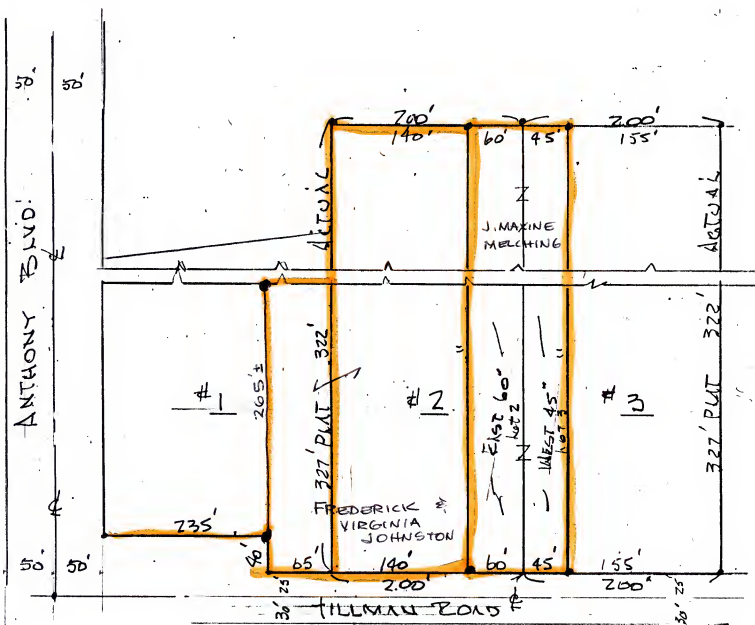
REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR
1128 Stratford Road - New Haven, Indiana 46774
Telephone 219-749-9861

Certificate of Survey

The undersigned Engineer, Registered as provided by an Act of the 79th General Assembly of the State of Indiana, hereby certifies that he has made a survey of:

The East 60 feet of Lot # 2 and the West 45 feet of Lot # 3 in Curdes South Acres Addition to the City of Fort Wayne, IN. AND LOT # 2 EXCEPT THE EAST 60 FEET, EXCEPT THE SOUTH (20') TO THE CITY AND THE EAST 40' OF LOT # 1 EXCEPT THE SOUTH (20') TO THE CITY. This tract does not lie with-in the flood hazard area.

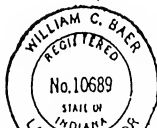
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, Allen County, Indiana. No encroachments or overhand existed as noted hereon, and the dimensions and lines of the property are indicated on the following plot,



Surveyed 5-10-95

For Melching

Survey No. 1595



The above Survey, Plot and Certificate are hereby certified correct:

W. C. Baer
REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR

SURVEYOR'S REPORT

In accordance with Title 864, Article 1.1, Chapter 13, Section 1 thru 34 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the location of the lines and corners established on this survey as a result of:

- (A) Variances in the reference monuments;
- (B) Discrepancies in record descriptions and plats;
- (C) Inconsistencies in lines of occupation and;
- (D) Random errors in measurement (theoretical uncertainty)

Title 864 IAC 1.1-11-1 as amended requires that this survey be recorded in the Recorder's office. Please see that a copy of the attached survey is recorded at the time the mortgage is recorded.

Description of tract surveyed:

- The East 60 feet of Lot # 2 and the West 45 feet of Lot #3 in Curdes South Acre Addition to the City of Fort Wayne, IN.

This tract does not lie within a flood hazard area.

As a result of the above observations, it is my opinion that the uncertainties in the locations of the lines and corners established on this survey are as follows:

Due to variances in reference monuments:

Due to discrepancies in the record description:

Due to inconsistencies in lines of occupation:

Due to random errors in measurement.

Deed measurements of adjacent properties were used to isolate this tract as noted.

This survey is certified as a Class B, in accordance with the Indiana Survey Standards

Survey # 1595 dated 4-19-95

Wm. C. Baer, Registered Professional
Engineer and Land Surveyor

W. C. Baer

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 9, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-95-05-04; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 15, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 22, 1995.

Certified and signed this
5th day of June 1995.



Carol Kettler Sharp
Secretary

- a. Bill No. Z-95-05-04 - Change of Zone #582
From B1B to B3B
1919 Tillman Road

John Otto, Jr., real estate broker, agent for the petitioners, appeared before the Commission. Mr. Otto stated that the petitioners wish to use the property to construct a new \$200,000 facility for use as an auto repair shop. He stated that the intended purchasers of the property have had small auto repair business currently on Dalman Street for the last 8 years. He stated that the property is currently vacant and has been on the market for the last 3 years and they have finally procured a prospective buyer. He submitted an artist's rendition of the proposed facility to the Commission. He stated it would be approximately 3,000 to 5,000 sf in size. He stated that the proposed purchasers have the financing in hand, with a local bank, toward the construction of a new facility. He stated that he received the staff analysis with a do not pass recommendation and after discussion with the proposed buyers and sellers of the property he stated he concluded that the other side of the story needed to be told. He stated that there were a few points in the recommendations that bare comment. He stated that in item number one, where the Comprehensive Plan is mentioned, "it (the Comp Plan) seeks to maintain investments and prevent deterioration". He stated that he felt that they would be maintaining the investment by investing in a \$200,000 facility. He felt that he could not see where approval would result in a negative impact. He stated that this investment would be a positive impact. He stated that to the south of this property is Quality Glass and this parcel is adjacent to the Aldi's Supermarket that is zoned B-3-B, along with an Instant Auto Financing and Instant Credit, formerly the Koehlinger Building. He stated that he felt they would be putting vital retail into that area. He stated that the building would be built to meet all state and local codes, including but not limited to landscaping, fence enclosure for security, it will also be well lit and there would be a security system in the building. He stated that item number 2 of the analysis stated that "while we encourage new development in this quadrant, current conditions and uses in the area indicate that an appropriate blending of classifications, exists". He stated that he felt that this was within the guidelines of new development for this area. He stated that to his knowledge there has been no opposition from the area to the requested rezoning. He stated, however, that they are perfectly willing to comply with all neighborhood requirements, so as not to be detrimental to any residential in the area. He stated that Item number three states "more intense commercial use of this site, including a number of the uses permitted in B3B district, could discourage further investment". He stated that in his opinion not encouraging investment would be an example of depriving his buyers of not being able to start and run a family owned small business.

Jim Tolbert, 1130 Northlawn Avenue, the owner of Winco Printing,

and President of the Southside Business Group, appeared before the Commission in favor of the rezoning. Mr. Tolbert stated that on behalf of the Southside Business Group he would like to point out that their mission is to stimulate economic development on the southside. He stated that while they have no technical staff that it would be of concern to them if a small business decided to relocate outside of the southside, since they have outgrown their current location and they have found a piece of property that they feel suitable for the business. He stated that if they moved to a northside location they would be somewhat disappointed. He stated that the northside business development seems to have plenty of stimulation, not only from the private sector, but from the public sector as well. He stated that a few examples would be the War Memorial Coliseum, the Baseball Stadium, Fairgrounds and Science Central. He stated considering that the southside does not have the advantage of those public funded investments, they would hope they would consider this \$200,000 investment in the southside as something they need and would support. He stated that if they feel that a B3B zoning would be inappropriate they would ask that the Commission seek out a compromise for the parties, so that they could maintain the B1B possibly with a variance. He stated that their group numbers about 240 people and have been working on working about 2½ years to stimulate economic development on the southside.

Mel Smith questioned if they were planning on their access from this site being on Tillman Road.

Mr. Otto stated that was correct. He stated that there currently is one on the property off of Tillman.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

FACT SHEET

Z-95-05-04

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment

From B-1-B to B-3-B

DETAILS

Specific Location and/or Address

1919 Tillman Road

Reason for Project

Construction of a commercial building
for auto repair.

Discussion (Including relationship to other Council actions)

15 May 1995 - Public Hearing

(See Attached Minutes of Meeting)

22 May 1995 - Business MeetingMotion was made and seconded to return
the ordinance to the Common Council with
a DO PASS recommendation.Of the six (6) members present, five (5)
voted in favor of the motion, Chair did
not vote. Motion Carried.Members Present: Linda Buskirk, James Hoch,
Thomas Quirk, Dave Ross, Carol Kettler
Sharp, Mel Smith, Vicky VerPlanck

Members Absent: Ernest Evans, Donald Schmidt

NOTE: Linda Buskirk arrived late to the
meeting, after the vote on this ordinance.**POSITIONS****RECOMMENDATIONS**

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
ProponentsApplicant(s)
J Maxine Melching &
Fredrick W Johnston
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☐ For ☒ AgainstReason Against
-more intense commercial use
of this property would dis-
courage further investment by
current homeowners.Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)CITY COUNCIL
ACTIONS(For Council
use only)☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 13 April 1995

Projected Completion or Occupancy

Date 5 June 1995

Fact Sheet Prepared by
Patricia Biancaniello

Date 5 June 1995

Reviewed by

Date

6 June 1995

Reference or Case Number

#582

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1919 Tillman Road

2-95-05-04

EFFECT OF PASSAGE Property is currently zoned B-1-B - Limited
Business District. Property will be zoned B-3-B - General
Business District.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited
Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____